IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16661 of 2007

DATED: 6.8.2007

Between:

G.Murali Krishna petitioner

And

The Government of A.P.
Rep by its Secretary,
School Education Department
Secretariat, Hyderabad & ors Respondents

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 16661 of 2007

ORAL ORDER:

This writ petition is filed questioning the action of the respondents in not promoting the petitioner to the post of Senior Assistant as illegal.

The petitioner herein is working as Junior Assistant in one of the schools run by the 5th respondent council. On retirement of an employee, a vacancy of Senior Assistant arose and in the said vacancy the case of the petitioner was considered and he was promoted as Senior Assistant vide proceedings dt 31.3.2005 subject to the approval of the third respondent and working as such. Thereafter, the 5th respondent submitted proposals to approve the promotion of the petitioner to the 4th respondent and the same were forwarded to 3rd respondent. The petitioner alleges that the 3rd respondent kept the matter pending in view of the memo dated 20.10.2004 whereby it is informed that no new posts of Grant-in-aid would be created and the existing vacancies will also not be filled up in view of general ban on recruitment. The petitioner contends that the first respondent vide letter dt 22.8.2005 clarified that the ban orders vide memo dated 20.10.2004 will not apply in cases of promotion of candidates from one cadre to another higher cadre and the action of

the third respondent in not passing appropriate orders and keeping the matter pending is illegal. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Education and perused the material available on record.

Since the first respondent vide letter dated 22.8.2005 clarified that the ban orders issued vide letter dated 20.10.2004 will not apply in cases of promotion, both counsel agreed for disposal of the writ petition with the following direction.

The third respondent –Regional Joint Director is directed to consider the proposals forwarded by the 4th respondent with regard to approval of the promotion of the petitioner and pass appropriate orders in accordance with law expeditiously, preferably within a period of three weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 6.8.2007
TVK

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